

**ANNEX A**

**U.S. FISH AND WILDLIFE SERVICE**

**BIOLOGICAL OPINION**





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

South Florida Ecosystem Office  
P.O. Box 2676  
Vero Beach, Florida 32961-2676  
May 19, 1998

Mr. George M. Strain  
Acting Chief, Planning Division  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

FWS Log No.: 4-1-98-1-402

Dear Mr. Strain:

This is in response to your letter dated April 14, 1998, requesting concurrence with your determination that the Lakebelt Project will not adversely affect threatened or endangered species under the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 *et seq.*) (ESA). Additional comments are provided in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) (FWCA).

The Lakebelt Project, located in south Broward and north Dade counties, comprises 89 square miles of environmentally sensitive land adjacent to Everglades Water Conservation Area 3. The Lakebelt Plan would create a freshwater lake system to replace the mosaic of quarried lakes which currently exist and others which are proposed. The proposed plan includes land exchanges between government owned lands east of the Dade-Broward Levee for rock-mining industry owned lands in areas such as the Pennsuco wetlands. The purpose of the land exchanges is to concentrate the rock-mining in the Lakebelt Area and to protect the Pennsuco wetlands and Everglades National Park.

A GIS and Florida Natural Areas Inventory database check to determine potential species locations in the Lakebelt area has been conducted. The check identified an endangered wood stork (*Mycteria americana*) nesting colony approximately 1,470 meters from the project and another wading bird colony located on the western perimeter of the site. In addition, the southwest portion of the site borders endangered Florida Panther (*Felis concolor coryi*) Preservation Areas and known panther telemetry range.

The last Florida panther that was tracked in the adjacent Panther Preservation Area was in 1990, and only one other panther, in 1987, has been tracked in close proximity to the Lakebelt area. The wood stork colony which was last recorded as being active in 1989, may utilize the Lakebelt area as a feeding and/or roosting area. Management zones and guidelines for the wood stork should be followed (enclosure). The other wading bird colony was vacant in 1978, but had been used by little blue heron (*Egretta caerulea*) and tricolored heron (*Egretta tricolor*), both of which are Florida state species of special concern. Migratory wading birds are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-711) and represent an important component of the Everglades ecosystem.



We concur that the project described above will not adversely affect Federally listed species. Although this does not constitute a Biological Opinion described under section 7 of the ESA, it does fulfill the requirements of ESA, and no further action is required. If modifications are made to the project or if additional information involving potential impacts on listed species becomes available, reinitiation of consultation may be necessary.

In accordance with Section 7 (a)(1) of the Endangered Species Act and the MOU between Federal Agencies dated September 28, 1994, the following affirmative conservation measures are recommended:

- 1) Maximize short hydroperiod wetlands as wood stork foraging habitat.
- 2) Design the mined areas to include vegetated islands for nesting/roosting sites for listed species and other migratory birds.
- 3) Provide vegetated wildlife corridors between mined areas for listed species and other terrestrial mammals.
- 4) Control public access to keep human disturbance to a minimum.
- 5) Maintain adequate water supply and water quality.

In addition, we recommend continued systematic reconnaissance surveys for wading bird colonies to cover adjacent areas and expansion of coverage into the Lakebelt area.

The FWS will review the Draft EIS and provide more specific recommendations under the FWCA. We will need more specific information on:

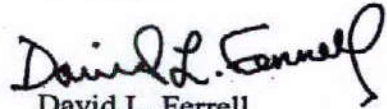
- 1) Off-site wetland mitigation plan for the Pennsuco Marsh. A description of exotic plant removal, maintenance of adequate hydroperiod, vegetative plantings, and any other wetland enhancement/creation plans.
- 2) On-site mitigation plan - A description of wetland littoral shelf mitigation, plans to leave vegetated islands inside mined areas, and an overall management plan for the Lakebelt Area, including the wildlife corridor plan, public access plan, and long-term financial management plans for the area.

The FWS will require this additional information prior to determining the effects of the project on the South Florida ecosystem as a whole. A general determination will be made in the Fish and Wildlife Coordination Act Report for the Comprehensive Review Study of the Central and Southern Florida Project, and as more detailed plans arise for this area, we will need to provide more specific recommendations under the FWCA.

If you would like to discuss means and methods to conserve these species, please contact this office. Thank you for the opportunity to provide this information. If you have any questions,

please contact Steve Peacock at (561) 778-0896 ext. 16.

Sincerely,



David L. Ferrell  
Supervisor,  
South Florida Restoration Projects

Enclosure

cc:  
EPA, West Palm Beach, FL  
SFWMD, West Palm Beach, FL  
Dade County DERM, Miami, FL  
GFC, Vero Beach, FL  
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